

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION

Loriann Williams,

PLAINTIFF

v.

Kilolo Kijakazi, Acting Commissioner of  
Social Security Administration,

DEFENDANT

Case No. 1:17-cv-1077-TLW

**Order**

Plaintiff filed this action seeking review of the Commissioner's decision denying his disability claim. ECF No. 1. The assigned magistrate judge issued a Report and Recommendation (Report) that recommended reversing the Commissioner's decision and remanding the case for further administrative action. ECF No. 21. The Court accepted the Report and remanded the case. ECF No. 26. Her counsel moved for attorney fees under the Equal Access to Justice Act (EAJA), which the Court granted. ECF Nos. 28, 31.

On remand, Social Security Administration issued a Notice of Award to Plaintiff, indicating that she would receive retroactive benefits beginning in January 2014. ECF No. 32-3. This matter is now before the Court on Plaintiff's counsel's motion for attorney fees pursuant to 42 U.S.C. § 406(b) and Local Civil Rule 83.VII.07. ECF No. 32. He seeks to recover \$23,631.00 in attorney fees based on 25% of the total retroactive benefits awarded. *Id.* The motion and related filings include relevant case law, the hourly rate calculation for the requested fees, the fee

agreement between Plaintiff and his counsel, the award letter, and the attorney's statement of time. *Id.* The Commissioner does not object to the motion. ECF No. 33.

The Social Security Act provides that the Court may determine and allow a reasonable fee for representation not to exceed 25% of the total past-due benefits to which the claimant is entitled. 42 U.S.C. § 406(b)(1)(A). The Court concludes that counsel in this case has obtained a favorable result for Plaintiff, caused no unusual delay, and has provided thorough and adequate representation. Furthermore, the amount requested by counsel is not greater than 25% of the past-due benefits recovered by Plaintiff as required by § 406(b).

The Court has carefully reviewed the relevant case law, the filings, counsel's fee petition, and the accompanying fee agreement. Noting that the Commissioner does not oppose the motion, the Court finds that the fee agreement and request for fees pursuant to § 406(b) are reasonable. Accordingly, Plaintiff's motion for attorney fees, ECF No. 32, is **GRANTED** in the amount of \$23,631.00.

Because Plaintiff's counsel was previously awarded attorney fees pursuant to the EAJA in the amount of \$4,739.44, counsel is directed to refund that amount to Plaintiff pursuant to *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002).

**IT IS SO ORDERED.**

s/ Terry L. Wooten  
Terry L. Wooten  
Senior United States District Judge

May 26, 2022  
Columbia, South Carolina